

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRENDA MATLOCK,

Plaintiff,

CAFN: 1:22-cv-02249-JPB

v.

TRIGO EXPRESS, LLC,
TAN TRAN and
ABC CORPORATION,

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND PLEADINGS AND
INCORPORATED MEMORANDUM OF LAW**

COMES NOW Brenda Matlock, Plaintiff, and moves for leave of this Court to permit amendment of her Complaint under Fed. R. Civ. P. 15. Rule 15 provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Allowing Plaintiff to file the Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

Through the Amended Complaint, Plaintiff seeks to substitute United Financial Casualty Company for “ABC Corporation” as a named Defendant. United Financial Casualty Company is the insurance carrier for Trigo Express,

LLC and is subject to Georgia's Direct Action Statute (codified at O.C.G.A. § 40-1-112(c) and O.C.G.A. § 40-2-140(d)(4)). Georgia's Direct Action Statutes empower plaintiffs to join in the same action the motor carrier and the insurance carrier.

Plaintiff also seeks to amend her Complaint to add allegations of negligence per se against Defendant Tan Tran and common carrier allegations against Defendant Trigo Express, LLC.

For these reasons, Plaintiff respectfully requests that the Court grant Plaintiff leave to file the attached First Amended Complaint. Also attached is a proposed order.

Respectfully submitted this 2nd day of September, 2022.

/s/ Joseph W. Weeks
Joseph W. Weeks
Attorney for Plaintiff
Georgia Bar No. 912341

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CERTIFICATE OF COMPLIANCE WITH L.R. 7.1(D)

Pursuant to L.R. 7.1(D) N.D. Ga., I hereby certify the within and foregoing document has been prepared in Times New Roman 14 point font, as approved by the Court in L.R. 5.1(B), N.D. Ga.

This 2nd day of September, 2022.

/s/ Joseph W. Weeks
Joseph W. Weeks
Attorney for Plaintiff
Georgia Bar No. 912341

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CERTIFICATE OF SERVICE PURSUANT TO RULE 5(b)(2)(E)

This is to certify that I have this day served a copy of the within and foregoing **PLAINTIFF'S MOTION FOR LEAVE TO AMEND PLEADINGS AND INCORPORATED MEMORANDUM OF LAW** upon all parties of record in this action by filing it with the court's electronic-filing system which will automatically email a copy of said pleading to each registered user, as follows:

Jessica F. Hubbart, Esq.
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This 2nd day of September, 2022.

/s/ Joseph W. Weeks

Joseph W. Weeks

Attorney for Plaintiff

Georgia Bar No. 912341

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